

*Rogers et al. v. U.S. Dept. of Health & Human Servs. et al.*  
Civil Action No. 6:19-cv-01567-JD

# Exhibit D

**to the State Defendants' Reply in Support of the Motion to Stay  
Discovery and Hold Pending Discovery Motions in Abeyance**

Excerpts from the Deposition of Brandy Welch

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Eden Rogers, et al.,  
Plaintiffs,

vs.

United States Department of Health and Human  
Services, et al.,

Defendant.

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VIRTUAL

DEPOSITION OF: BRANDY WELCH

DATE: May 24, 2021

TIME: 9:04 a.m.

LOCATION: 11 Brendan Way  
Suite 200  
Greenville, South Carolina 29615

TAKEN BY: Counsel for Governor Henry McMaster

REPORTED BY: MICHELLE BAKER LEE,  
Certified Court Reporter

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1 agree that if that were the outcome, fewer homes would  
2 be a bad thing?

3 A Yes.

4 Q In the Complaint which we've been talking  
5 about a little bit, in the Complaint you have alleged  
6 that Governor McMaster and the other Defendants  
7 violated the Constitution, the United States  
8 Constitution, by funding Miracle Hill's recruiting and  
9 screening of only evangelical Christian foster  
10 parents. I think at the time when you applied it was  
11 evangelical Protestant Christian foster parents and I  
12 think now it's a little bit broader than that. But is  
13 that accurate that the violation -- the constitutional  
14 violation that you've alleged is that in Miracle  
15 Hill's recruiting and screening of foster parents  
16 they're turning away, I think is the phrase that you  
17 used in the Complaint, those who don't share their  
18 evangelical Christian beliefs, right?

19 A Yep.

20 Q And the relief or the -- maybe that's a  
21 legal term. The -- what you've asked the court for,  
22 the outcome that you've asked the court for in your  
23 lawsuit is for the court to order Governor McMaster,  
24 Mike Leach at DSS, and the federal Defendants to stop  
25 funding what you refer to as Miracle Hill's

1 discriminatory recruiting and screening practices,  
2 right?

3 A Yes.

4 Q So if the -- if the Governor, DSS, and the  
5 federal Defendants weren't doing that, right, if  
6 Miracle Hill wasn't being reimbursed by the state or  
7 the federal government for its recruiting and  
8 screening practices then there wouldn't be a  
9 constitutional violation anymore, right?

10 A Right.

11 Q You and Eden are friends with -- is it Lisa  
12 and Cindy Bovee-Kemper; is that right?

13 A Yes.

14 Q I think Lisa is your pastor?

15 A Correct.

16 Q That's at the -- sometimes I get the -- I  
17 know you guys call it UU by the initials, but it's the  
18 Greenville Unitarian Universalist Church. Is that --

19 A That's correct.

20 Q And I apologize for that dinging noise in  
21 the background. It's my e-mail prompts coming in.

22 Cindy and Lisa are -- my understanding from  
23 talking to Eden are more than just, you know, pastor,  
24 Lisa is more than just a pastor, but Lisa and Cindy it  
25 sounds like to me are almost advisers or mentors or

1       confidants that you've talked to a lot sort of  
2       extensively about their experience as foster parents  
3       and your desire to become foster parents; is that  
4       right?

5             A       Yes.

6             Q       About -- and you don't have to give me a  
7       precise date, but give me a ballpark about what time  
8       period have you talked to them? Is this something  
9       that you've talked to the Bovee-Kempers about for  
10      years?

11            A       Yeah, I would say -- I would say probably  
12      about a couple of years before we applied we started  
13      talking to them about it.

14            Q       Okay. Did -- and this is not a trick  
15      question. This is just my memory. So, again, the  
16      dates I don't think here are terribly relevant. But  
17      my recollection from talking to Eden on Friday was --  
18      did you-all start attending the Greenville Unitarian  
19      Universalist Church in 2017 or was it --

20            A       Maybe. Eden's way better at dates than I am  
21      so --

22            Q       Okay.

23            A       -- that could be.

24            Q       And I don't remember too precisely, either.  
25      But -- and the reason I ask is it sounds like that

1 would sort of match up with what you -- generally  
2 match up with the chronology you said a second ago,  
3 that you've been talking for a period of some years  
4 about the idea of fostering with the Bovee-Kempers?

5 A Yeah. I mean, we met them before we started  
6 attending UU because Eden taught at UU World of  
7 Children.

8 Q Okay.

9 A So we met them through the school and then  
10 we started attending the church, also.

11 Q Okay. The Bovee-Kempers, they have been  
12 foster parents in the past; is that right?

13 A Yes.

14 Q Like in the time that you've known them have  
15 they had any foster children in their home?

16 A Yes.

17 Q They're licensed in South Carolina as foster  
18 parents?

19 A Yes.

20 Q And Lisa and Cindy are a same-sex married  
21 couple, right?

22 A Yes.

23 Q Do you know are they licensed -- did they go  
24 directly to DSS or are they with a private agency?

25 A I'm not sure. When they moved to South

1 Carolina they were fostering through North Carolina so  
2 they already had their foster children when they moved  
3 to South Carolina. So they had to -- they were in the  
4 process of adopting the kids, and before they could do  
5 that, they had to get licensed here just as a  
6 formality. So I'm not sure who they went through.

7 Q Okay. Interesting. So their children they  
8 were fostering in North Carolina, moved to South  
9 Carolina and got licensed as foster parents here and  
10 then adopted the children here?

11 A Yeah, they're adopted now.

12 Q That's a -- that's a -- I think a relatively  
13 rare and probably complicated bureaucratic situation  
14 just because --

15 A Yes.

16 Q -- the states are, you know --

17 A It was --

18 Q -- (indiscernible audio) --

19 A Yeah, I'm pretty sure it was a long process.

20 Q Yeah, I would imagine so. But, in any  
21 event, they're licensed. At one point it sounds like  
22 they -- you think they --

23 A They are licensed here, yeah.

24 Q Okay. And I think it's probably safe to say  
25 they didn't go through Miracle Hill to get licensed in

1 South Carolina, right?

2 A That's probably safe to say, although Cindy  
3 is a Christian pastor or was a Christian pastor, but I  
4 don't know if it was evangelical Protestant.

5 Q Okay. Lisa is not?

6 A Lisa is a Unitarian Universalist pastor.

7 Q Okay. So I guess we can deduce from that at  
8 least that there are some either private agencies or  
9 South Carolina DSS who will work with a non-Christian,  
10 same-sex married couple, right?

11 A Sure.

12 Q If you and Eden want to be licensed as  
13 foster parents and when you knew it wouldn't work out,  
14 when you learned it wouldn't work out with Miracle  
15 Hill, why didn't you apply to wherever Lisa and Cindy  
16 applied to and got licensed through?

17 A They weren't licensed yet here in South  
18 Carolina, I don't believe. But they were still, I  
19 think, going through North Carolina two years ago when  
20 we started this. I believe, anyway. I don't know --  
21 I don't know exactly when they -- the process they  
22 went through was a long process and I'm not sure when  
23 that was finalized or even began.

24 Q So they've been in South Carolina since at  
25 least 2017, right?



1 A Right.

2 Q And you applied to Miracle Hill in 2019?

3 A Right.

4 Q You don't know if at that time -- like had  
5 they -- were their children adopted yet in 2019?

6 A No, no, but I know the process was pretty  
7 long as far as them officially becoming foster -- like  
8 they had to go through the home study, they had to go  
9 through that whole process again here in South  
10 Carolina, and I don't recall when that was that they  
11 did that.

12 Q Okay. You're not sure if that -- if they  
13 had started that process --

14 A Right. They may have -- they probably  
15 started it before then. I just don't know when it was  
16 finalized.

17 Q Okay.

18 A And I don't know who they went through.

19 Q Okay. How -- and, again, I'm not asking for  
20 a precise number of conversations. But give me a  
21 sense over the couple of years that you and Eden  
22 talked to Lisa and Cindy about your desire someday to  
23 become foster parents, how many times do you think you  
24 talked to them about that?

25 A I don't recall.

1 Q Is it like five or fewer?

2 A No, I'd say it's more than that.

3 Q Pretty regularly?

4 A Yeah, fairly regularly. Probably even more  
5 than us together, but, I mean, we definitely all  
6 talked together. And then Eden had the chance to talk  
7 to them more because she was seeing them a lot more at  
8 school.

9 Q Because she works at a school at the same  
10 facility as the church?

11 A She did, yeah.

12 Q Okay. But there's no question that Lisa and  
13 Cindy knew that you-all wanted to become foster  
14 parents some day?

15 A Correct.

16 Q Did they -- did they know in, I guess we'll  
17 say, kind of early 2019 up until like March-April  
18 before you applied that you-all were right on the cusp  
19 of taking that -- of this thing we've talked about for  
20 so long, we're going to -- we're going to start the  
21 ball rolling? Were they aware that you guys were  
22 about to apply to become foster parents?

23 A Yes.

24 Q Okay. Did you know that kind of in that  
25 same time period on Sunday, March 17, 2019 Cindy

1 Bovee-Kemper hosted and interest meeting at your  
2 church, Greenville Unitarian Universalist, for people  
3 who were interested in becoming foster parents through  
4 Miracle Hill and who were either not Christians or in  
5 a same-sex marriage and who wouldn't be able to work  
6 with Miracle Hill; did you know about that?

7 A No, I didn't know about that.

8 Q Like in all those conversations and she knew  
9 you were interested in becoming a foster parent and  
10 knew you were about to apply and she knew that Miracle  
11 Hill wouldn't work with Unitarian Universalists or  
12 same-sex married couples and she didn't tell you about  
13 it?

14 A No, she didn't.

15 Q You never got an e-mail about it or got --  
16 heard anything about that?

17 A No, I did not know about it.

18 Q What all did you do to prepare for today's  
19 deposition?

20 A We had a couple of calls last week with  
21 Currey and Susan and our team just to go over like --  
22 like prep for the deposition.

23 Q And Currey, that's Currey Cook, one of your  
24 lawyers?

25 A Yes.

1 Q Yeah. I'll phrase it a little bit  
2 differently. Subsequently when you were ready to get  
3 married and you could, you did?

4 A Yes.

5 Q So I guess my question is this: You applied  
6 to Miracle Hill and they referred you either to DSS or  
7 to, I think, eight other private agencies. You didn't  
8 call any of those other agencies, did you?

9 A No.

10 Q And you didn't even look at their websites  
11 to see if they would work with you, did you?

12 A No.

13 Q And you know that Lisa and Cindy  
14 Bovee-Kemper, a same-sex married couple who couldn't  
15 work with Miracle Hill, they got licensed as foster  
16 parents in South Carolina through some agency, right?

17 A Yes. I don't -- I don't know when they did  
18 that, though, but, yeah.

19 Q But at some point in between 2017 and now,  
20 they did?

21 A Right, that's correct.

22 Q And you want to be a foster parent, right?

23 A Yes.

24 Q So why, knowing that there is an opportunity  
25 and availability to be licensed as a foster parent,

1 why haven't you taken advantage of it and gotten  
2 licensed?

3 A I don't think the point is that we could be  
4 somewhere else. The point is that this organization  
5 that is huge is only allowing this small margin of  
6 people to foster through their organization. And  
7 we're paying our tax dollars to this organization. I  
8 feel like they should be opening up their services to  
9 more loving families that want to foster.

10 Q Yeah, but, I mean, there's any number of  
11 people, right? There might be a thousand people in  
12 Greenville who sort of have that same abstract belief  
13 that this organization, if they receive government  
14 funding, that organization ought to be open to  
15 everybody. But that's not really why you brought the  
16 lawsuit, right? You brought the lawsuit saying that  
17 you want to be a foster parent but you haven't gone  
18 and applied and you know you could?

19 A But I can't to the place that we went to,  
20 like --

21 Q So am I hearing you right, you think that  
22 you should have the ability or the legal right to  
23 foster with any one agency that you want?

24 A I think if I qualify as a foster parent then  
25 I should be able to foster to any agency, correct,